

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Endowments Department – Sri Swami Hathiramji Mutt, Tirupathi, Chittoor District – Certain irregularities committed by Sri P.Surya Kumar, the then Assistant Commissioner, Chittoor district (Now Retired) – Disciplinary action initiated under Rule 20 of Andhra Pradesh Civil Services (Conduct) Rules, 1991 read with Rule 9 of A.P. Revised Pension Rules, 1980 – Enquiry Conducted – Enquiry Officer's report communicated – Imposition of punishment of 25% cut in pension permanently – Orders – Issued.

REVENUE (VIGILANCE IV-1) DEPARTMENT

G.O.RT.No. 1140.

Dated:17.12.2014
Read the following:

- 1)G.O.Rt.No.1701, Revenue (Vig-IV) Dept. dated:07.08.2006.
- 2)From the Commissioner of Endowments Department, A.P., Hyd. Memo.No.E1/21741/2006, dated:30.06.2007.
- 3)G.O.Rt.No.1372 Revenue (Vig-IV) Dept. dated:18.9.2012.
- 4)From the Commissioner of Inquiries D.O Letter No.298/COI.KSR 298/COI.KSR, dated: 03.12.2012.
- 5)Govt. Memo No. 20553/Vig.IV.1/2006-26, dated:28.02.2013.
- 6)Representation of Sri P.Surya Kumar, Assistant Commissioner of Endowments (Retired), dated:12.03.2013.
- 7)Govt. Memo.No.20553/Vig.IV.1/2006, dated:08.10.2013.
- 8)Representation of Sri P.Surya Kumar, Assistant Commissioner of Endowments (Retired), dated:22.11.2013.
- 9)Govt. Letter No.20553/Vig.IV.1/2006, dated:08.05.2014.
- 10)From the Secretary I/c, Andhra Pradesh Public Service Commission, Letter No.801/RT/1/2014, dated:11.7.2014.

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ORDER:

Whereas, it was brought to the notice of the Government that Sri P.Surya Kumar, the then Assistant Commissioner (Now Retired), Endowments Department, has committed certain omissions and commissions in the administration, committed irregularities in declaring as landless poor for extension of lease of land of Sri Swamy Hathiramji Mutt, Tirupati, while working as Administrative Officer in the said Mutt. The Commissioner of Endowments, Hyderabad was requested to initiate disciplinary action against the ACED, Tirupati,

2. Whereas, in the reference 2nd read above, the Commissioner of Endowments Andhra Pradesh, Hyderabad has framed the following Articles of Charges against Sri P.Surya Kumar, the then Assistant Commissioner of Endowments, Chittoor District (Now Retired):

- a) That he has committed grave irregularities in declaring Sri Subramanya Achari as landless poor in respect of lands measuring Ac.1.70 cents wet land covered by Sy.No.244/3 and extent Ac.1.74 Cents dry land covered by Sy.No.242/A which is urban property of Sri Swamy Hathiramji Mutt, Tirupathi.
- b) That he has failed to conclude the enquiry giving proper finding when the lands are located in prime area and lost its agricultural character being very near to Municipality of Tirupati.

- c) That he has failed to take the statement on record given by Sri N.Venkatadri tenant of land Ac.12.36 cents covered by Sy.No.244 of M.R.Palli, Tirupati town, where in he has stated that he is under possession of Ac.12.38 cents.
- d) That he has not conducted enquiry with the Administrative Officer of Sri Swamy Hathiramji Mutt, Tirupati. But he entertained one Sri Kandi Sreenivasulu, Junior Assistant of Sri Swamy Hathiramji Mutt, Tirupati and recorded statement, since no body is entitled to give deposition or any statement on behalf of the Administrative Officer of Sri Swamy Hathiramji Mutt, Tirupati.
- e) That he has failed to examine at least the statement given by Sri Kandi Sreenivaslulu, Junior Assistant of Sri Swamy Hathiramji Mutt, Tirupati who has stated in his statement that, the tenant is under possession of Mutt land measuring Ac.8.06 cents only.
- f) That he has hastily concluded and decided the matter in anticipation of the following information though the information was called for from the Administration Officer, Sri Swamy Hathiramji Mutt, Tirupati in his notice in Rc.No.B1/3711/03, dated:16.02.2004 to finalize the matter.

- 1. Extent of land given on lease to the applicant.
- 2. Extent of land under possession and enjoyment of the applicant on the date of filing application U/s 82.
- 3. Whether the so called cultivating tenant has paid land makthas to the institution promptly without falling into arrears.
- 4. Whether the lease holds rights of the land was subsisting at the time of filing application by Sri N.Venkatadri.
- 5. Whether the applicant has been under possession and enjoyment of the land in question for more than six years continuously as on the date of filing application.
- 6. If so, the copies of lease approval orders from the concerned authority may be filed.
- 7. Copies of lease deeds.
- 8. Date of receipt of the Notice issued under Form-I under Rule-5(1) by the applicant.

- g) that he has utterly failed to consider the statement given by Sri P.Muni Reddy on 05.03.2004 wherein he deposed that he has been getting an amount of Rs.15,000/- (Rupees fifteen thousand only) towards annual income through the land, which is beyond the limit prescribed for landless poor.

3. The Charged Officer has submitted his written statement of defence, duly denying the charges and after examining the same, the case was entrusted to the Commissioner of Inquiries for conducting regular inquiry.

4. In the reference 4th read above, the Commissioner of Inquiries has submitted inquiry report. The Inquiry Authority in his findings has stated that Charges-I, II, III, V & VII are held proved and Charge-IV & VI are held not proved against the Charged Officer. In the reference 5th read above, a copy of the enquiry report was communicated to the Charged Officer with a direction to submit his explanation on the findings of the Inquiring Authority. The Charged Officer has submitted his further explanation and requested to drop further action in the matter in reference 6th read above.

5. Government, after careful examination of the explanation submitted by the Charged Officer, decided to impose a penalty of 25% (Twenty five percent) cut in pension permanently against Sri P.Surya Kumar, the then Assistant Commissioner (Now Retd.) and accordingly, issued a show cause notice to him vide reference 7th read above under Rule 9 (2) of A.P Revised Pension Rules, 1980 for his further explanation if any. In the reference 8th read above, the Charged Officer has submitted his explanation that while working as Assistant Commissioner, Chittoor, he has declared some ryoths who cultivated the lands belonging to Sri Swamy Hathiramji Mutt, Tirupati as landless poor for which he was given seven charges. Further, he stated that as a Quasy judicial officer and the records produced by the institution he has issued orders declaring the Ryoths as a landless poor persons belonging to the subject institutions and his orders were confirmed by the RJC, Tirupati who is the appellate authority in the matter. The said orders are not implemented and the entire land is in the position of subject institution only. Further there is no financial commitment or financial irregularity and the order passed by him is only in accordance with powers vested with the District Assistant Commissioner basing on the records submitted by the institution. Further, he has stated that the Government in Memo.No.10754/Endts.II(1)/2006,dated:30.04.2006, Memo.52963/Endts.II (1),dated:03.12.2007&Memo.No.25658/Endts.II(1)/2005,dated:20.12.2007 held that the orders passed by the Assistant Commissioner is perfectly valid and there is no illegality or irregularity in the orders passed. Finally, the Charged Officer has requested to drop the proposed punishment of 25% cut in pension permanently against the charged officer

6. Government after careful examination of the explanation of Charged Officer along with enquiry report, Government, have decided to confirm the proposed punishment of 25% cut in pension permanently against Sri P.Surya Kumar, Assistant Commissioner of Endowments, (Retd.) as the charged officer has not put-forth any new evidence for consideration.

7. Therefore, Government, in exercise of the powers conferred under Rule 9 of APRP Rules, 1980, hereby order to impose a punishment of 25% (twenty five percent) cut in pension permanently against Sri P.Surya Kumar, Assistant Commissioner of Endowments (Retd.) Chittoor district for the charges proved against him.

8. The Commissioner of Endowments, Andhra Pradesh, Hyderabad shall take necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**J.C.SHARMA
PRINCIPAL SECRETARY TO GOVERNMENT**

To

The Commissioner of Endowments, A.P. Hyderabad,
Sri P.Surya Kumar, (Retired Assistant Commissioner), Chittoor district
through the Commissioner of Endowments, Hyderabad.
The Secretary, I/c, Andhra Pradesh Public Service Commission, Hyderabad,
The Director General, Vigilance & Enforcement, A.P. Hyderabad.
The Andhra Pradesh Vigilance Commission, A.P. Secretariat, Hyderabad,
The Government Pleader, APAT, Hyderabad with reference to
OA.No.1654/2012 for favour of information.
The District Treasury Officer, Chittoor district,
SF/SC.

//FORWARDED::BY ORDER//

SECTION OFFICER